

JONES DAY

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October 13, 2014

VIA EMAIL AND OVERNIGHT MAIL

Rita Tate
Acting Freedom of Information Officer
US EPA Region 3 (3PA00)
1650 Arch Street
Philadelphia, PA 19103-2029
215.814.2050 (FOIA line)
215.814.5102 (fax)
R3FOIA@epa.gov

Re: FOIA EPA-R3-2014-010583

Dear Ms. Tate:

In response to your October 9, 2014 letter and pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, *et seq.*, and implementing regulations of the U.S. Environmental Protection Agency ("EPA"), 40 C.F.R. Part 2, The United Company ("United") hereby submits revised FOIA requests to the EPA. United requests access to and/or copies of all of the records described below:

1. All documents that contain, describe, discuss, refer to, respond to, or provide any evidence of any communication on the subject of the Clean Water Act permitting of Mingo Logan Company's ("Mingo") Spruce No. 1 mine in Logan County, West Virginia between current or former EPA personnel.
2. All documents that contain, describe, discuss, refer to, respond to, or provide any evidence of any communication on the subject of the Clean Water Act permitting of Mingo Logan Company's Spruce No. 1 mine in Logan County, West Virginia between current or former EPA personnel and the following organizations:
 - a. West Virginia Highlands Conservancy,
 - b. Coal River Mountain Watch,
 - c. Ohio Valley Environmental Coalition,
 - d. Sierra Club and

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e. Appalachian Mountain Advocates.

3. All documents that contain, describe, discuss, refer to, respond to, or provide any evidence of any communication on the subject of the Clean Water Act permitting of Mingo Logan Company's Spruce No. 1 mine in Logan County, West Virginia between current or former EPA personnel and current or former personnel of other government entities or agencies.

For the purposes of these requests, "documents" refers to all electronic, written, or graphic matter, however produced or reproduced, including but not limited to correspondence, emails, notes, interoffice communications, reports, memoranda, minutes, summaries, telephone records, telephone message logs or slips, powerpoint presentations, spreadsheets, maps, photographs, video or audio records, data compilations, or calendars.

For these requests, EPA need not provide United with copies of any documents that United itself or Mingo have submitted to EPA. If, in responding to this request, EPA determines that any otherwise responsive information will not be provided because it constitutes confidential business information or is otherwise exempt under 5 U.S.C. § 552(b), provide a *Vaughn* Index stating the nature of the information being withheld and the legal ground upon which disclosure has been denied. Wherever a record contains information for which you assert that a statutory exemption applies, you should redact such allegedly exempt information and must provide the remainder of the record.

In your October 9, 2014 letter, you indicated that EPA Region 3 "also determined that [United is] a commercial requester even though [it] asked to be placed in the 'other' fee category" and that United "will be expected to pay for all search and review time, as well as duplication costs, incurred by EPA in processing [the] request." United reserves all of its rights as to EPA Region 3's determination regarding United's requester status, but, as stated in United's original September 17, 2014 request, pursuant to 40 C.F.R. § 2.120(c), United agrees to pay all necessary fees incurred in responding to this request.

Please send a copy of all responsive documents, privilege logs (to the extent applicable) and any bill for FOIA fees to the following address:

Daniella Einik
Jones Day
51 Louisiana Ave N.W.
Washington, D.C. 20010.
Fax: 202-626-1700
Tel: 202-879-3775

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Thank you for your courtesy and cooperation.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'Daniella Einik', followed by a large, stylized flourish or initial 'S'.

Daniella A Einik

cc: (via Certified Mail)
National Freedom of Information Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW (2822T)
Washington, DC 20460